6: McFee E-4,5 (1959-1967) 1972 NF6 Blackfoot NF6

The tribe is both a political entity with legislative, judicial, and executive powers, and a business corporation. The Corporate Charter of the Blackfeet Tribe establishes the tribe's sphere of authority over the handling of funds and the use of tribal assets for the benefit of its members. All tribal members are shareholders in the corporation and have a vote in its affairs. The nine members of the tribal council direct both the political and business affairs of the tribe and the corporation (U.S., Blackfeet Corporate Charter 1936).

Councilmen are elected by the secret ballot of eligible tribal members and serve for a period of two years. Each council supervises the voting and defines the boundaries of the election districts for the election of its successor body. Four districts are regularly recognized and each is served by an established number of councilmen. Since an amendment to the tribal constitution in 1964 reducing the Council from thirteen to nine members, Browning district is represented by three councilmen, and Seville, Heart Butte and Old Agency by two each (*Glacier Reporter*, July 2, 1964). Candidates file for election in the district in which they reside, but each voter votes for candidates from all districts. Residents of one district, therefore, may have a strong voice in deciding who will represent the voters of another district.

The tribal council elects its own officers, appoints its own court officers and police, and hires its secretarial and administrative staff. This body has been given broad powers for political and economic action within limits reserved by law to the Bureau of Indian Affairs and the Department of the Interior. Tribal actions concerning disposal of trust lands, and involving tribal credit or expenditures above an established amount are subject to review or approval by the Commissioner of Indian Affairs or his representatives.

Tribal membership legally defines a person as a Blackfeet Indian, and such membership provides a set of privileges and liabilities not shared by nonmembers. The income derived by a tribal member from crops raised on trust land, or the proceeds from the sale of stock grazed on trust land, are not subject to federal income taxes (Federal Indian Law 1958:883). All lands held in trust by the federal government are exempt from local and state property taxes. Qualified tribal members are given preference over nonmembers in the awarding of grazing or farming leases of trust land, and tribal members, like other Indians of ¼ or more degree Indian descent, are given a preference credit in applications for employment by the Bureau of Indian Affairs. These are a few of the privileges that go with tribal membership. As members of the corporation, the people also share in the earnings of the corporation. Occasionally, more frequently in the past when oil exploration was more active, the council votes a per capita payment as a distribution of tribal income in excess of that required for the operational expenses.

Such privileges are offset by some liabilities—particularly for men who feel competent to handle their own affairs. Trust lands must be leased through the agency land office and all use, leasing, procurement of fee patent titles, and sale of land come under government supervision. The man who has his land held in trust must request and receive permission to make certain uses of his land, have his plans reviewed and approved more often, go through more red tape, than the man who has a fee patent title to his land.

8: Ewers E,G-4,5 (1941-1951) 1971 NF6 Blackfoot NF6

[ca. 1850–1875]

13: Life with Our Father

AT THE GREAT treaty council in the fall of 1855, Governor Stevens told the Blackfoot tribes, "The Great Father has sent an agent to live at the Forts above who will be your Father. When you have any trouble, go to him as you would go to your Father."[1] His Indian listeners took him at his word. To this day elderly Blackfoot men and women who speak little or no English call their agent *ninnàna*, "Our Father." They refer to his place of business as "Our Father's House."

Among the fur traders and other whites the early agents commonly were addressed by the honorary title of "Major." The first Blackfoot agent, Major Edwin A. C. Hatch from Minnesota, was presented to the Indians at the treaty council in mid-October, 1855. Shortly thereafter he established the first agency for his "children" at the fur trading post of Fort Benton.

Major Hatch's two most noteworthy achievements appear to have been the giving of a large ball for the traders at the fort on New Year's Eve, which was so successful that it lasted through the next day and night, and the management of the distribution of the first annuities paid the four tribes under the terms of the treaty eight months later. During most of the intervening period he could not discuss the Indians' troubles with them for the simple reason that he was not in the Blackfoot country. On February 6, 1856, Hatch started downriver to Fort Union to await the arrival of annuities from St. Louis. He did not return

[1]Partoll (ed.), *Blackfoot Indian Peace Council*, 9.

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666 members and serve for a period of two years. Each council supervises the voting and defines the boundaries of the election districts for the election of its successor body. Four districts are regularly recognized and each is served by an established number of councilmen. Browning district is represented by four councilmen, Seville, Heart Butte and Old Agency by three each.

643 The Tribal Council elects its own officers, appoints its own court officers and police, and hires its secretarial and administrative staff. This body has been given broad powers for political and economic action within limits reserved by law to the Bureau of Indian Affairs and the Department of the Interior. Tribal actions concerning disposal of trust lands, and involving tribal credit or expenditures above an established amount are subject to review or approval by the Commissioner of Indian Affairs or his representatives.

Economic Ramifications

641 Tribal membership legally defines a person as an Indian, and such membership provides a set of privileges and liabilities not shared
[651] by non-members. The income derived by a tribal member from crops raised on trust land, or the proceeds from the sale of stock grazed on trust land, are not subject to Federal income taxes.[47] All lands held in trust by the Federal government are exempt from local and state
[427] property taxes.[48] Qualified tribal members are given preference over
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[47] Federal Indian Law, op. cit., p. 883.

[48] Ibid., pp. 845-848, 854.

631 subsequent legislation have given to the Tribe a broader range of powers
642 than is usually enjoyed by a local jurisdiction. But for a few limitations and some Federal review, the Tribe is autonomous.

692 Tribal courts are given jurisdiction over civil and criminal actions brought by an Indian against another Indian. The right of jurisdiction in the case of the "ten major crimes" committed by Indians on Indian reservations has been reserved by the Federal courts, but the balance of law and order matters are under tribal control. These are not subject to state or county regulation unless specifically turned over to such authorities, or shared concurrently with them, by an act of the Tribal Council and by an acceptance of these obligations by the county or state.[50]

563 Non-Indians living on the reservation are subject to county
[692] and state laws and enforcement. They are affected, in addition, by
[651] tribal regulations. The Tribe can regulate land use and impose taxes on non-members in the form of business licenses, camping fees, and hunting and fishing fees.

692 This overlapping jurisdiction in the area of law and order makes for a complex problem of law enforcement and requires guarded cooperation between tribal, county, state and Federal enforcement agencies. A breach of peace or a crime must be analyzed according to where it happened, and who was involved, to determine what level of enforcement has jurisdiction. Actions by other than the correct officers must be sanctioned by immediate or previous agreement between the various governing bodies.

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[50] Federal Indian Law, op. cit., p. 319.

16: Hanks & Hanks E,P-4,5 (1938-1941) 1950
NF6 Blackfoot NF6
Northern Blackfoot
Blackfoot Reserve

INTRODUCTION

THE plan of this study was slow in development. When we first went to the Northern Blackfoot reserve in Alberta on the initiative of Dr. A. H. Maslow, we intended to concentrate on studies of social psychology. Dr. Richardson was the only experienced field worker and anthropologist. Her part was to provide the necessary background of ethnological data for the two psychologists, Maslow and Hanks. Following this plan the party appeared with tents for the Blackfoot Sun Dance of 1938. We spent a week being inspected, trying to find a few people who would become our informants, and in an amazingly short time discovered ourselves warmly received by most of the Indians.

Before many days had passed, we learned that the Blackfoot reserve contained several unique features. A substantial annual income was coming to the tribe from the Dominion government as interest on a two million dollar trust fund. The capital had been acquired by selling a portion of the reserve when land prices soared before and during World War I. This income was not simply divided up on a per capita basis but was being used to give to all Blackfoot certain social benefits. From cradle to grave no resident of the reserve could starve, for rations of meat, flour, and tea were issued weekly to everyone. With these funds houses had been built and equipped with stoves, furniture, and bedding, and no Blackfoot had to pay rent. When newly married couples moved into these houses, they received in addition to the household equipment a team of horses and a wagon to help with farming. The sick and aged not only received free medical care in an excellent hospital but were given extra rations of food and clothing. Farm machinery was available. Expert care was given a man's cattle and when the latter were butchered for his meat rations, he was also paid by weight for the carcass. Cash could be had through the winter by anyone who wished work at the Blackfoot coal mine.

These unusual facts revealed that we were visiting a community

16: Hanks & Hanks E,P-4,5 (1938-1941) 1950
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The Returns for the Land

432 The provisions of the agreement stated that the Indians were to surrender about 115,000 acres lying principally on the south side of the Bow River; this land constituted nearly half of the reserve. Upon surrender, it became the obligation of the Superintendent General of Indian Affairs to dispose of the land in the way that would be most beneficial to the tribe. The agreement guaranteed to 651 the Indians a minimum return from their lands of $1,800,000, though there was no time limit for accumulating this sum.

The handling of the proceeds from the sale fell under two headings. First, a sum of $400,000 was to be made immediately available to the Indians for capitalization of agriculture. Of this sum, $350,000 went for the construction of houses, barns, and sheds on the land to be farmed; the houses were to be furnished with stoves, tables, chairs, beds, and bedding; wells were to be dug; fences erected; roads graded; motor ploughs, harvesting engines, and other expensive equipment were to be bought; and granaries for storing the produce were to be built. The remaining $50,000 constituted a loan fund 426 from which farmers might draw for financing the purchase of individual equipment such as mowers and binders. The loan was to be repaid in six years and the money returned to the fund for future loans.

651 Second, the sum remaining from the first auction and sums from subsequent sales were to be set aside as a trust fund. Like other [651] monies belonging to Indian groups, this fund was to be managed by the Department of Indian Affairs. The Blackfoot tribe was to receive annual interest on it, the rate of interest and the method of utilizing the money being subject to the discretion of the Superintendent General of Indian Affairs acting under the direction of the Governor-General of Canada. The Blackfoot have received 5 per cent on their deposited capital.[1]

652 The immediate use of the interest money had been planned by 657 Markle in collaboration with various other administrators. Over and above the building and ploughing programme which was already provided for, expenditures were to be for four main purposes: (1) wages for the operators of heavy farm machinery; (2) wages for an instructor to teach and supervise farming; (3) the purchase of blankets, yard goods, and clothing for the aged; (4) rations for each

[1]All other Canadian Indians also get 5 per cent on their money, except the Six Nations, who receive 6 per cent.

16: Hanks & Hanks E,P-4,5 (1938-1941) 1950
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652 innovations. Maintenance we might readily anticipate.[1] However,
657 that this is not the budget of a community of self-sufficient persons is apparent. What follows is an endeavour to account for certain of these changes from the administrative point of view.

651 First, and necessarily for the trend to develop at all, there was a rapid increase, probably not anticipated, of the trust funds. From an initial $300,000 laid aside for the trust fund, the capital increased to well over one million dollars by 1920. The increment came from three sources. Small parcels of land were sold from time to time from the remaining lands, such as a right-of-way for a new irrigation [651] ditch. It is possible for the Superintendent of Indian Affairs to sell small portions of reserve land without the consent of the residing Indians, if it can be shown to be for the general welfare. The second source is from further sales in the surrendered tract. A second auction in 1917 increased the capital by over a million dollars. Subsequent sales and adjustments of this land brought relatively smaller prices
651 but increased the capital constantly by small amounts. Third, there
427 was revenue from the lease of reserve lands. Under the Indian Act,
[657] uncultivated lands may be leased by the Superintendent General and the returns added to the trust fund. The majority of these leases occurred during the nineteen-twenties and were in some cases on a cash basis, though mainly on a crop-share basis, the trust fund receiving one quarter of the annual produce. Except for poor years, the majority of these contracts were fulfilled and constituted a steady source of new capital for the trust fund.

657 There was also a change in personnel, not only in Ottawa but at the Blackfoot Agency as well. Markle's time of retirement cut off his energetic influence as overseer of policy, so that whatever stability and clarity of purpose he contributed was lost. J. H. Gooderham, one of the older generation of agents, was succeeded in 1920 by his son, G. H. Gooderham, who was to serve over twenty-five years at this post. While it is certain that father and son shared an interest in social welfare, there was at the same time frequently a difference in outlook between the generations of the Indian Department officials in the West. The generation prior to 1910 had known from first hand the Indian of the buffalo days. Its members were by and large optimistic, vigorous, and influenced by the frontier spirit which granted Indians at least hardiness and stoicism. The task at hand

[1] A detailed statement of the benefits from the Trust Fund is given in Appendix A.

A [See category 652, pp. 189-190--Analyst]

16: Hanks & Hanks E,P-4,5 (1938-1941) 1950
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A yearly total of $5,880 is paid fourteen Indians for these permanent jobs. The wages for the interpreters and the scouts for the Mounted Police are paid by the Dominion government. The assistant stockmen are paid with funds from the sale of beef. Those connected with the mines are paid from the operating revenue of the mines. The hospital worker alone is paid directly from the trust fund as part of the operating cost of the hospital. 463 465 657

These jobs[A] are filled by application to the person under whose jurisdiction the job falls, e.g., the white stock-man or, at the mines, the Indian "room-boss." With the exception of the hospital assistant these jobs do not require work six days of the week. At the stock-farm, for instance, a man wishing to leave for a few days may give his job to another. This is used as an argument by whites to show that the Indians are lackadaisical. However, the fact that these jobs are seldom open, and that seven of these jobs have been filled by the same Indian for over five years suggests the contrary. Some Indians do work constantly at certain jobs. 466 657

(3) Temporary jobs on the reserve are of two kinds: those handled by the agency or the white employees and those directed by the Indians themselves. 464 657

Temporary jobs handled by the agency or the white employees are filled by application to or at the request of the director involved. They depend on the season and the exigencies of the moment. They may involve greasing a tractor, painting a building (a man is even paid for painting his own house), mending a road, cleaning a corral or a well, or stopping leaks in a roof. No doubt individual competence and industriousness play a part in securing these jobs. The farm instructor who knows that an Indian is careful and efficient in his work is more apt to employ him than one who is less reliable. Availability is another factor. A man who lived near the stock corral said he never was without a job when he wished one, as the stockman always came to him first when in need of help. The agent, too, occasionally gives a needy Indian a note addressed to a particular white employee asking that he be employed. Consistent with this policy of giving jobs to the needy, some Indians with considerable cash in their accounts at the agency are not employed at the agency-controlled jobs. The agency allocates approximately $7,000 as wages to Indians for temporary jobs. This sum comes from a variety of sources such as deduction from the income from cattle or grain as well as from interest on trust funds. 466 657 [463] 652 651

A [i.e., permanent jobs on the reserve--Analyst]